

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI

UNITED STATES OF AMERICA

Plaintiff,

-vs-

Criminal Action No.  
23-00213-01-CR-W-DGK

KENNETH D. FENNER,

Defendant.

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**MEMORANDUM OF MATTERS DISCUSSED AND  
ACTION TAKEN AT PRETRIAL CONFERENCE**

The following matters were discussed and action taken during the pretrial conference:

- PENDING CHARGES:**      Count One - Possession with Intent to Distribute Fentanyl, *in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(B)*  
                                Count Two - Possession of a Firearm in Furtherance of Drug Trafficking, *in violation of 18 U.S.C. § 924(c)(1)(A)*  
                                Count Three - Felon in Possession of a Firearm, *in violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(8)*

**TRIAL COUNSEL:**

Government: Robert Smith  
Case Agent: FBI Special Agent Rhonda Schell  
Defense: Jane Francis

**OUTSTANDING MOTIONS:** None

**ANTICIPATED MOTIONS:** None

**TRIAL WITNESSES:**

Government: 6-8 with or without stipulations  
Defense: 4 witnesses, including Defendant who may testify

**TRIAL EXHIBITS:**

Government: 50 exhibits  
Defense: 12 exhibits

**DEFENSES:**

( x ) defense of general denial  
(    ) defenses of general denial and \_\_\_\_\_

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## **POSSIBLE DISPOSITION:**

- Definitely for trial       Possibly for trial  
 Motion to continue to be filed       Likely a plea will be worked out

**TRIAL TIME:** 3 days

Government's case including jury selection: 2 ½ days  
Defense case: ½ day

## **STIPULATIONS:**

- ( ) not likely  
( ) not appropriate  
(x) likely as to:  
( ) chain of custody  
(x) chemist's reports  
(x) prior felony conviction  
(x) interstate nexus of firearm  
( ) other: \_\_\_\_\_

## **UNUSUAL QUESTIONS OF LAW:** None

## **FILING DEADLINES:**

## **Witness and Exhibit Lists:**

Government: March 4, 2024

Defense: March 4, 2024

**Counsel are requested to list witnesses in alphabetical order on their witness list.**

**Exhibit Index, Voir Dire, Jury Instructions:** March 4, 2024

**Jury instructions must comply with Local Rule 51.1**

## **Motions in Limine:** March 4, 2024

**TRIAL SETTING:** Criminal jury trial docket commencing March 18, 2024

**Please note:** *Counsel do not have any conflicting settings on the March trial docket.*

**OTHER:**

- ( ) A \_\_\_\_\_-speaking interpreter is required.  
( ) Other assistive devices: \_\_\_\_\_

## **IT IS SO ORDERED.**

/s/ Jill A. Morris  
JILL A. MORRIS  
United States Magistrate Judge